

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

**ALICIA SMITH, CAROLINA BOURQUE,
EMMA BURKEY, CHRISTOPHER CODY
FLINT, MICHELLE ZIMMERMAN, PhD,
ERIN RHODES, JESSICA KROGMEIER,
LORIN JEPPSEN, and REACT19, INC.,**

Plaintiffs,

-vs.-

**UNITED STATES OF AMERICA, UNITED
STATES HEALTH RESOURCES AND
SERVICES ADMINISTRATION, UNITED
STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES, and JOHN DOES 1-3,**

Defendants.

Case No. 3:23-cv-01425

Judge Elizabeth E. Foote

Magistrate Kayla D. McClusky

**JOINT NOTICE REGARDING PLAINTIFFS' PRELIMINARY
INJUNCTION MOTION AND SECOND AMENDED COMPLAINT**

Plaintiffs and Defendants, by counsel, having conferred in an effort to further the efficient resolution of this case, *see* Fed. R. Civ. P. 1, respectfully notify the Court as follows:

1. In light of the Court's guidance during the December 1, 2023, status conference, Plaintiffs wish to file a Second Amended Complaint, which they intend to do on or before December 21, 2023. Mindful that courts freely grant leave to amend when justice so requires, Defendants hereby provide written consent to Plaintiffs' filing of a Second Amended Complaint. *See* Fed. R. Civ. P. 15(a)(2).

2. Plaintiffs believe that the filing of their Second Amended Complaint will moot their existing Motion for Preliminary Injunction (Dkt. 20), and they hereby withdraw that motion.

Defendants agree that this withdrawal is without prejudice to Plaintiffs filing a renewed motion for preliminary injunction after filing the Second Amended Complaint.

3. Plaintiffs intend to file a renewed motion for preliminary injunction based on their Second Amended Complaint. Informed by the guidance provided by the Court during the December 1, 2023, status conference, the parties have tentatively agreed to the following briefing schedule, which they intend to ask the Court to adopt through a separate joint motion:

- January 17, 2024 – Plaintiffs will file their renewed motion for preliminary injunction and support brief (“Renewed PI Motion”).
- February 16, 2024 – Defendants will file their opposition to the Renewed PI Motion.
- March 18, 2024 – Plaintiffs will file their response to Defendants’ opposition.
- April 18, 2024 – Defendants will file their reply to Plaintiffs’ response.
- A hearing on the Renewed PI Motion to be set for a date and time convenient to the Court.
- Defendants’ deadline to respond to Plaintiffs’ Second Amended Complaint will be 21 days after the Court rules on the Renewed PI Motion.

Dated: December 15, 2023

Respectfully submitted,

/s/ Charlotte Y. Bergeron
Charlotte Y. Bergeron, Esq.
Louisiana Bar Number: 24293
1040 Audubon Street
Lake Charles, LA 70605
Tel: (225) 229-7135
cbergeronlaw@gmail.com

/s/ Aaron Siri
Aaron Siri, Esq.* [Trial Attorney]
New York Bar Number: 4321790
Elizabeth A. Brehm, Esq.*
New York Bar Number: 4660353
Kevin Mitchell, Esq.*

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

ERIC B. BECKENHAUER
Assistant Director, Federal Programs Branch

/s/ Jeremy S. B. Newman
JEREMY S.B. NEWMAN
(Mass Bar. No. 688968)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, DC 20005

Michigan Bar Number: P84639
Catherine Cline, Esq.*
Florida Bar Number: 125955
SIRI & GLIMSTAD LLP
745 Fifth Ave, Suite 500
New York, NY 10151
Tel: (212) 532-1091
Fax: (646) 417-5967
aaron@sirillp.com
ebrehm@sirillp.com
kmitchell@sirillp.com
ccline@sirillp.com

Tel: (202) 532-3114
Fax: (202) 616-8470
Email: jeremy.s.newman@usdoj.gov

Attorneys for Defendants

Walker D. Moller, Esq.*
Texas Bar Number: 24092851
SIRI & GLIMSTAD LLP
1005 Congress Avenue
Suite 925-C36
Austin, TX 78701
Tel: (512) 265-5622
Fax: (646) 417-5967
wmoller@sirillp.com

Attorneys for Plaintiffs

* Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2023 I presented the foregoing Joint Notice Regarding Plaintiffs' Preliminary Injunction Motion and Second Amended Complaint to the Clerk of Court for filing and uploading to the CM/ECF system which will send notification of such filing to all parties or counsels of record.

/s/ Aaron Siri
Aaron Siri, Esq.